

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

**JOSHUA C. LOWRY, ANTHONY  
LAW, RAYMAR MCKENZIE,  
JAMES SMITH and MICHAEL  
CHAMPION,**

Plaintiffs,

v.

**DENA BROWN TRINITY GROUP  
SERVICE STAFF, BENJAMIN  
O'LEARY TRINITY GROUP SERVICE  
STAFF, CORITHIAN FOODS FOOD  
DISTRIBUTOR FOR TRINITY GROUP  
SERVICE, JENNIFER PASSERELLI  
DEPUTY WARDEN, DAVID WINTERS  
CAPTAIN, SCOTT (UNKNOWN)  
TRINITY GROUP SERVICE STAFF,  
JANICE (UNKNOWN) TRINITY  
GROUP SERVICE STAFF,**

Defendants.

2:22cv991

**Electronic Filing**

**MEMORANDUM ORDER**

The Complaint in the above captioned case was filed on July 6, 2022, and was referred to United States Magistrate Judge Maureen P. Kelly for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Local Rules of Court 72.C and 72.D.

The Magistrate Judge's Report and Recommendation (ECF No. 72) filed on August 28, 2023, recommended that defendants Jennifer Passerelli, David Winters and Dena Brown's pending motions to dismiss be granted as to the claims asserted by Plaintiff Anthony Law. The parties were informed that objections to the Report and Recommendation were due by September 12, 2023. No objections have been filed.

After review of the pleadings and documents in the case, together with the Report and Recommendation, the following Order is entered:

AND NOW, this 23<sup>rd</sup> day of October, 2023,

IT ORDERED that defendants [54], [57] the motions to dismiss for failure to state a claim upon which relief can be granted filed by defendants Jennifer Passerelli, David Winters and Dena Brown's pending motions to dismiss be GRANTED as to the claims asserted by Plaintiff Anthony Law. The [72] Report and Recommendation of Magistrate Judge Kelly dated August 28, 2023, is adopted as the opinion of the Court.

s/David Stewart Cercone  
David Stewart Cercone  
Senior United States District Judge

cc: Joshua C. Lowry  
07759-509  
Hazelton  
FCI Hazelton  
Federal Correctional Institution  
P. O. Box 5000  
Bruceton Mills, WV 26525

Anthony Law  
035754  
Butler County Prison  
202 S. Washington Street  
Butler, PA 16001

Raymar McKenzie  
035197  
Butler County Prison  
202 S. Washington Street  
Butler, PA 16001

James Smith  
09971-068  
Hazelton  
FCI Hazelton  
Federal Correctional Institution  
P. O. Box 5000  
Bruceton Mills, WV 26525

Michael Champion  
38900-068  
Allenwood Low  
Federal Correctional Institution  
Inmate Mail/Parcels  
P. O. Box 1000  
White Deer, PA 17887

*(Sent Via First Class Mail)*

Daniel M. Vugrinovich, Esquire

*(Via CM/ECF Electronic Mail)*